IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.12897 of 2015

Venkatesappa ..Petitioner

Vs.

1. The District Collector,
   Krishnagiri District,
   Krishnagiri.

2. The Sub Collector cum Sub - Divisional Magistrate
   Hosur,
   Krishnagiri District.

3. The Block Development Officer,
   Soolagiri Union,
   Krishnagiri District.

4. The Panchayat President,
   Perandapalli Village Panchayat,
   Hosur Taluk,
   Krishnagiri District.

5. Krishnappa

6. Prabha Engineering
   Rep. By its Manager,
   Shiva Shakthi Nagar,
   Perandapalli Post,
   Hosur Taluk,
   Krishnagiri District.

7. Parle - G Biscut Godown,
   Rep. By its Manager,
   Shiva Shakthi Nagar,
   Perandapalli Post,
   Hosur Taluk,
   Krishnagiri District. ..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the 2nd respondent in V.No.2432/2014 (B1) dated 05.10.2014 and quash the same as illegal incompetent and ultravires and consequent forbear the

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respondents from laying road on the petitioner's patta land in S.No.589/2B1 Mornapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner : M/s. R.Jayaprakash

For Respondents -1 & 2 : Mr.D.Raghu
Government Advocate

For Respondents - 3 & 4 : Mr.M.Digvijaya Pandiayan

For Respondent - 5 : Mr.S.Mukunth
For M/s.Sarvabhavman Associates

For Respondent - 6 : Mr.G.Anbumani

For Respondent - 7 : No Appearance

O R D E R

The proceedings of the 2nd respondent dated 05.10.2014 is sought to be quashed and a further direction is sought for to forbear the respondents from laying road on the petitioner's patta land in S.No.589/2B1 Mornapalli Village, Hosur Taluk, Krishnagiri District.

2.Admittedly, the parties have already approached the competent Civil Court by filing O.S.No.70 of 2014 on the file of the District Munsif Court, Hosur. The writ petitioner claims that he is the absolute owner of the land, described in the present writ petition. However, the 2nd respondent/The Sub Collector is of an opinion that the land is a public road and classified as Government land. Therefore, the writ petitioner is not entitled to claim the said land.

3.However, the learned counsel for the petitioner states that the writ petitioner has got a civil right in respect of the property, which is described in the present writ petition.

4.The learned counsel for the 6th respondent states that the writ petitioner has no rights whatsoever in respect of the property in question and the land in question is a public road, to be kept open for the usage of the public. Thus, the claim of the writ petitioner cannot be accepted and the writ petition is liable to be rejected.

5.The learned counsel appearing on behalf of the official respondents as well as the 5th respondent also states that the writ petitioner has no locus standi to claim the land in question since the same is a public road.

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6.May that it be. This Court is of an opinion that the authorities competent are duty bound to protect the public road and the Government properties. If at all, the land in question is a public road as per the Government records, the same is to be kept for the usage of the public at large. However, the writ petitioner claims that he is the owner of the said land in this regard, he filed a Civil Suit in O.S.No.70 of 2014. Thus, the writ petitioner is at liberty to work out his remedy before the competent Civil Court of Law, if he is otherwise entitled for any other relief and as far as the present writ petition is concerned, the relief as such sought for cannot be granted.

7.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
   Krishnagiri District,
   Krishnagiri.

2. The Sub Collector cum Sub - Divisional Magistrate
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3. The Block Development Officer,
   Soolagiri Union,
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4. The Panchayat President,
   Perandapalli Village Panchayat,
   Hosur Taluk,
   Krishnagiri District.

+1cc to M/s.Sarvabhavman Associates, Advocate sr.no.58452
+1cc to M/s. R.Jayaprakash, Advocate sr.no.58180
+1cc to M/s.Arun Anbumani, Advocate sr.no.58104

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mr(co)
nr 05/09/2018

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